

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING & DEVELOPMENT REVIEW
DEPARTMENT**

Attachment #3

**WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SENSITIVE COASTAL RESOURCE PERMIT AND VARIANCE NO. 99-1366
MORTENSON RESIDENCE
CITY COUNCIL**

This Permit, is granted by the City Council of the City of San Diego to VERYL J. MORTENSON, TRUSTEE OF THE VERYL J. MORTENSON TRUST, Owner/Permittee pursuant to Sections 101.0480 and 101.0502 of the Municipal Code of the City of San Diego. The 0.17-acre (7,400 square-foot) site is located at 7126 Vista Del Mar in the RS-1-7 (formerly R1-5000) Zone of the La Jolla Community Plan Area. The project site is legally described as Lot 6, Neptune Estates, Map No. 3492.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to maintain an existing 27' x 10 1/2' (284 square-feet) patio/spa cover within the 4'-0" required interior side yard setback, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated October 24, 2000 on file in the Office of Planning and Development Review Department. The facility shall include:

- a. An existing two-story, single-family residence and attached two-car garage;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. An existing in-ground spa located within the 4'-0" interior side yard setback, spa heating and filtering equipment, and a combination masonry wall (portions of which function as a solid fence) and open wood fencing on top of the wall; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Within thirty days of final City action, a building permit shall be obtain for the masonry wall/open wood fence (which exceeds six feet in height), and the patio/spa cover. Within 60 days of final City action, all necessary work to modify the structure(s) and wall/fence shall be accomplished and final inspection obtained. Any corrections noted by field inspectors shall be

satisfied within this timeframe. Failure to obtain permit(s), perform necessary work, make necessary corrections, and obtain required inspections within 60 days will automatically void the permit.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to the Planning and Development Review Department; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building permit(s), complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 24, 2000, on file in the Office of the Planning and Development Review Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a

hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

10. This Sensitive Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals.

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than two off-street parking spaces shall be maintained on the property (within the existing two-car garage) at all times. Parking spaces shall comply at all times with Land Development Code requirements and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

13. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

14. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the City Council of the City of San Diego on October 24, 2000.